

**ORDINANCE NO. 2016-\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE AMENDING SECTION 152.148 ACCESS AND PARKING REQUIREMENTS OF CHAPTER 152: DEVELOPMENT AND SUBDIVISION REGULATIONS OF THE TONTITOWN MUNICIPAL CODE IN ITS ENTIRETY OF THE CITY OF TONTITOWN AND DELCARING AN EMERGENCY**

**WHEREAS**, the City Council of Tontitown has adopted Section 152.148 ACCESS AND PARKING REQUIREMENTS of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS et seq., as amended in its entirety; and

**WHEREAS**, on or about April 2, 2013, the City Council of Tontitown adopted Ordinance No. 2013-04-417 to provide for regulations for access and parking requirements within the city and said Ordinance No. 2013-04-417, as it has been amended from time to time and as was thereafter codified within Chapter 152: DEVELOPMENT AND SUBDIVISION REQUIREMENTS in the Tontitown Municipal Code; and

**WHEREAS**, the Tontitown Planning Commission has reviewed the revisions of Section 152.148 ACCESS AND PARKING REQUIREMENTS and recommends to the City Council that these revisions be approved; and

**WHEREAS**, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Section 152.148 ACCESS AND PARKING REQUIREMENTS of the Tontitown Municipal Code to better provide for regulations for access and parking requirements; and

**WHEREAS**, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.148 ACCESS AND PARKING REQUIREMENTS of Chapter 152: DEVELOPMENT AND SUBDIVISION REQUIREMENTS of the Tontitown Municipal Code should be revised and restated in its entirety as incorporate herein below.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Council of the City of Tontitown, as follows:

**Section 1.** Section 152.148 ACCESS AND PARKING REQUIREMENTS of Chapter 152: DEVELOPMENT AND SUBDIVISION REQUIREMENTS, of the Tontitown Municipal Code is hereby revised, in its entirety, and as attached hereto as Exhibit “A”.

**Section 2.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or

provisions had never been contained herein.

**Section 3.** Declaration of Emergency. It is hereby found and determined that Section 152.148 ACCESS AND PARKING REQUIREMENTS of Chapter 152: DEVELOPMENT AND SUBDIVISION REQUIREMENTS, of the Tontitown Municipal Code should be immediately amended in its entirety in order to provide regulations for access and parking requirements within the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Paul Colvin, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Ardemagni, City Recorder-Treasurer

EXHIBIT “A”

**§ 152.148 ACCESS AND PARKING REQUIREMENTS.**

This section is intended to implement access management standards of the City of Tontitown. These regulations apply to all new development and construction.

(A) *Curb cuts.*

(1) *City approval.* Property owners desiring access to, or curb cuts off of city streets, not associated with an approved large scale development plan or subdivision, must obtain a letter of approval from the Public Works Director.

(2) *Width.* Ingress-egress openings in concrete, asphalt, or other street curbing, commonly referred to as “curb cuts” shall be not less than 24 feet nor more than 40 feet in width for nonresidential uses unless approved by the Planning Department.

(3) *Distance from intersections.* Curb cuts or access points shall be no closer than 100 feet measured from the right-of-way of intersecting collector streets to the center line of the drive, and no closer than 250 feet measured from the right-of-way of an intersection involving a principal or minor arterial to the center line of the drive. Exceptions may be made where lot size or geometry may prohibit these requirements.

(4) *Offset.* Either the centerline of opposing nonresidential driveways shall align, or shall be offset no less than 75 feet. This condition shall not apply where a permanent median exists without break for these driveways.

(5) *Number of curb cuts permitted.* Unless otherwise specified by this chapter, the maximum number of curb cuts for each property shall be two.

(6) *Distance between curb cuts.* The minimum distance between drives shall be 25 feet.

(7) *Curb radius.* To ensure safe turn movements, turning radii for commercial drive curb cuts should be at least 15 feet for curb cuts along streets designated on the City of Tontitown’s Master Street Plan. Exceptions may be granted through a waiver to the Planning Commission for shorter radii in the downtown area and for larger radii needed where there may be a need to accommodate truck traffic.

(B) *Entrance/exit and parking design.* Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All parking facilities, except those serving single-family detached and two-family dwellings shall be designed so that all existing movements onto a public street are in a forward motion.

(1) Any off-street parking area shall be paved with a sealed surface pavement and maintained to prevent dust resulting from continued use. The parking area should be arranged as efficiently as possible, be so graded and drained as to dispose of all surface water accumulated in the area, and shall be so arranged and marked as to provide for orderly and safe parking and storage of vehicles.

(C) *Subdivision access.* All residential subdivision development contiguous to a collector, minor, or principal arterial street shall orient frontage to a local street, and back the project, without access to the said major streets. All subdivisions with 30 or more lots shall have two access points.

(D) *Joint and cross access.*

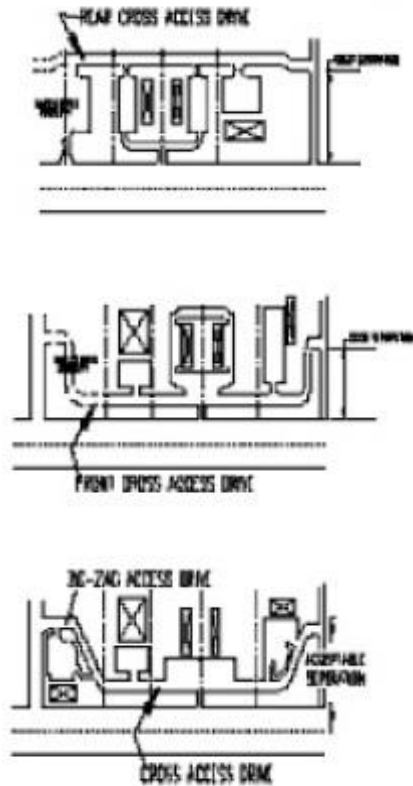
(1) *Major traffic generators.* Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

(2) *Techniques.* A system of joint use driveways and cross access easements as shown in

the figure titled “Cross Access Corridor Design” shall be established wherever feasible in commercial zoning districts along streets designated on the City of Tontitown’s Master Street Plan and the building site shall incorporate the following:

- (a) A continuous service drive or cross access corridor extending the entire length of each property served to provide for driveway separation consistent with the curb-cut standards;
- (b) A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
- (c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
- (d) A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

**Cross Access Corridor Design**



(3) *Shared parking.* Shared parking areas shall be permitted to reduce required parking if peak demand periods for proposed land uses do not occur at the same time periods (i.e., bank and movie theater).

(4) *Documentation.* Pursuant to this section, property owners shall:

- (a) *Access easement.* Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
- (b) *Access agreement.* Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the City of Tontitown and pre-

existing driveways will be closed and eliminated after construction of the joint-use driveway.

(c) *Maintenance agreement.* Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

(E) *Reduction in separation distance.* The City Engineer may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

(1) Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.

(2) The site plan incorporates a unified access and circulation system in accordance with this section.

(3) The property owner shall enter a written agreement with the City of Tontitown, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

(F) *Waivers.* The City Engineer or Planning Commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(G) *Nonconforming access features.*

(1) *Existing.* Permitted access connections in place as of the date of the adoption of this chapter that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Substantial enlargements or improvements;

(c) Significant change in trip generation; or

(d) As roadway improvements allow.

(2) *Discontinued use.* If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 180 days then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the City Engineer. For uses that are vacant or discontinued upon the effective date of this chapter, the 180-day period begins on the effective date of this chapter.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.1000.9, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14; Am. Ord. 2015-07-530, passed 7-21-15)